

ASSEMBLY BILL

No. 1847

Introduced by Assembly Member Chesbro

February 19, 2014

An act to amend Sections 6276.30 and 6276.38 of the Government Code, to amend Section 26306 of the Water Code, and to amend Section 4135 of the Welfare and Institutions Code, relating to mental disorders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1847, as introduced, Chesbro. Mental disorders: language.

(1) Existing law requires that a person committed to a state hospital as a mentally abnormal sex offender remain a patient for the period specified in the court order of commitment or until discharged by the medical director of the state hospital in which the person is a patient, whichever occurs first. Existing law authorizes the medical director to grant the patient a leave of absence, as specified.

Existing law prohibits the inspection of the petition for commitment, reports, court orders, and court documents by anyone other than the parties to the proceeding and their attorneys and prohibits inspection of the records of supervision, care, and treatment by anyone not in the employ of the department or the state hospital.

This bill would remove the provisions relating to the term of commitment and leave of absence for a mentally abnormal sex offender. The bill would make conforming changes to the Public Records Act.

(2) The Irrigation District Law provides for the formation of irrigation districts with prescribed powers, including the power to levy an annual assessment upon the land in the district and to obtain a collector's deed against the property if the assessment is not paid. Existing law requires an action proceeding, defense, answer, or cross-complaint based on the

invalidity or irregularity of the collector's deed to begin within one year after the recordation of the deed, unless otherwise specified, including when the owner of the land was, at the time of sale, a minor or insane person in which case the statute of limitations begins to run when the disability is removed.

This bill would make a technical change to clarify that the statute of limitations is tolled if the owner is a minor or lacks mental capacity.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6276.30 of the Government Code is
2 amended to read:
3 6276.30. Managed care health plans, confidentiality of
4 proprietary information, Section 14091.3, Welfare and Institutions
5 Code.
6 Managed Risk Medical Insurance Board, negotiations with
7 entities contracting or seeking to contract with the board,
8 subdivisions (v) and (y) of Section 6254.
9 Mandated blood testing and confidentiality to protect public
10 health, prohibition against compelling identification of test subjects,
11 Section 120975, Health and Safety Code.
12 Mandated blood testing and confidentiality to protect public
13 health, unauthorized disclosures of identification of test subjects,
14 Sections 1603.1, 1603.3, and 121022, Health and Safety Code.
15 Mandated blood testing and confidentiality to protect public
16 health, disclosure to patient's spouse, sexual partner, needle sharer,
17 or county health officer, Section 121015, Health and Safety Code.
18 Manufactured home, mobilehome, floating home, confidentiality
19 of home address of registered owner, Section 18081, Health and
20 Safety Code.
21 Marital confidential communications, Sections 980, 981, 982,
22 983, 984, 985, 986, and 987, Evidence Code.
23 Market reports, confidential, subdivision (e), Section 6254.
24 Marketing of commodities, confidentiality of financial
25 information, Section 58781, Food and Agricultural Code.
26 Marketing orders, confidentiality of processors' or distributors'
27 information, Section 59202, Food and Agricultural Code.
28 Marriage, confidential, certificate, Section 511, Family Code.

1 Medi-Cal Benefits Program, confidentiality of information,
2 Section 14100.2, Welfare and Institutions Code.

3 Medi-Cal Benefits Program, Request of Department for Records
4 of Information, Section 14124.89, Welfare and Institutions Code.

5 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
6 12528.

7 Medi-Cal managed care program, exemption from disclosure
8 for financial and utilization data submitted by Medi-Cal managed
9 care health plans to establish rates, Section 14301.1, Welfare and
10 Institutions Code.

11 Medi-Cal program, exemption from disclosure for best price
12 contracts between the State Department of Health Care Services
13 and drug manufacturers, Section 14105.33, Welfare and Institutions
14 Code.

15 Medical information, disclosure by provider unless prohibited
16 by patient in writing, Section 56.16, Civil Code.

17 Medical information, types of information not subject to patient
18 prohibition of disclosure, Section 56.30, Civil Code.

19 Medical and other hospital committees and peer review bodies,
20 confidentiality of records, Section 1157, Evidence Code.

21 Medical or dental licensee, action for revocation or suspension
22 due to illness, report, confidentiality of, Section 828, Business and
23 Professions Code.

24 Medical or dental licensee, disciplinary action, denial or
25 termination of staff privileges, report, confidentiality of, Sections
26 805, 805.1, and 805.5, Business and Professions Code.

27 Meetings of state agencies, disclosure of agenda, Section
28 11125.1.

29 ~~Mentally abnormal sex offender committed to state hospital,~~
30 ~~confidentiality of records, Section 4135, Welfare and Institutions~~
31 ~~Code.~~

32 Mentally disordered and developmentally disabled offenders,
33 access to criminal histories of, Section 1620, Penal Code.

34 Mentally disordered persons, court-ordered evaluation,
35 confidentiality of reports, Section 5202, Welfare and Institutions
36 Code.

37 Mentally disordered or mentally ill person, confidentiality of
38 written consent to detainment, Section 5326.4, Welfare and
39 Institutions Code.

1 Mentally disordered or mentally ill person, voluntarily or
2 involuntarily detained and receiving services, confidentiality of
3 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
4 5328.8, and 5328.9, Welfare and Institutions Code.
5 Mentally disordered or mentally ill person, weapons restrictions,
6 confidentiality of information about, Section 8103, Welfare and
7 Institutions Code.
8 Milk marketing, confidentiality of records, Section 61443, Food
9 and Agricultural Code.
10 Milk product certification, confidentiality of, Section 62121,
11 Food and Agricultural Code.
12 Milk, market milk, confidential records and reports, Section
13 62243, Food and Agricultural Code.
14 Milk product registration, confidentiality of information, Section
15 38946, Food and Agricultural Code.
16 Milk equalization pool plan, confidentiality of producers' voting,
17 Section 62716, Food and Agricultural Code.
18 Mining report, confidentiality of report containing information
19 relating to mineral production, reserves, or rate of depletion of
20 mining operation, Section 2207, Public Resources Code.
21 Minor, criminal proceeding testimony closed to public, Section
22 859.1, Penal Code.
23 Minors, material depicting sexual conduct, records of suppliers
24 to be kept and made available to law enforcement, Section 1309.5,
25 Labor Code.
26 Misdemeanor and felony reports by police chiefs and sheriffs
27 to Department of Justice, confidentiality of, Sections 11107 and
28 11107.5, Penal Code.
29 Monetary instrument transaction records, confidentiality of,
30 Section 14167, Penal Code.
31 Missing persons' information, disclosure of, Sections 14201 and
32 14203, Penal Code.
33 Morbidity and mortality studies, confidentiality of records,
34 Section 100330, Health and Safety Code.
35 Motor vehicle accident reports, disclosure, Sections 16005,
36 20012, and 20014, Vehicle Code.
37 Motor vehicles, department of, public records, exceptions,
38 Sections 1808 to 1808.7, inclusive, Vehicle Code.
39 Motor vehicle insurance fraud reporting, confidentiality of
40 information acquired, Section 1874.3, Insurance Code.

1 Motor vehicle liability insurer, data reported to Department of
2 Insurance, confidentiality of, Section 11628, Insurance Code.

3 Multijurisdictional drug law enforcement agency, closed sessions
4 to discuss criminal investigation, Section 54957.8.

5 SEC. 2. Section 6276.38 of the Government Code is amended
6 to read:

7 6276.38. Radioactive materials, dissemination of information
8 about transportation of, Section 33002, Vehicle Code.

9 Railroad infrastructure protection program, disclosure not
10 required for risk assessments filed with the Public Utilities
11 Commission, the Director of Emergency Services, or the Office
12 of Emergency Services, Section 6254.23.

13 Real estate broker, annual report to Bureau of Real Estate of
14 financial information, confidentiality of, Section 10232.2, Business
15 and Professions Code.

16 Real property, acquisition by state or local government,
17 information relating to feasibility, subdivision (h), Section 6254.

18 Real property, change in ownership statement, confidentiality
19 of, Section 27280.

20 Records of contract purchasers, inspection by public prohibited,
21 Section 85, Military and Veterans Code.

22 *Records of persons committed to a state hospital pursuant to*
23 *Section 4135 of the Welfare and Institutions Code.*

24 Registered public obligations, inspection of records of security
25 interests in, Section 5060.

26 Registration of exempt vehicles, nondisclosure of name of person
27 involved in alleged violation, Section 5003, Vehicle Code.

28 Rehabilitation, Department of, confidential information, Section
29 19016, Welfare and Institutions Code.

30 Reinsurance intermediary-broker license information,
31 confidentiality of, Section 1781.3, Insurance Code.

32 Relocation assistance, confidential records submitted to a public
33 entity by a business or farm operation, Section 7262.

34 Rent control ordinance, confidentiality of information concerning
35 accommodations sought to be withdrawn from, Section 7060.4.

36 Report of probation officer, inspection, copies, Section 1203.05,
37 Penal Code.

38 Repossession agency licensee application, confidentiality of
39 information, Sections 7503, 7504, and 7506.5, Business and
40 Professions Code.

1 Reproductive health facilities, disclosure not required for
2 personal information regarding employees, volunteers, board
3 members, owners, partners, officers, and contractors of a
4 reproductive health services facility who have provided requisite
5 notification, Section 6254.18.

6 Residence address in any record of Department of Housing and
7 Community Development, confidentiality of, Section 6254.1.

8 Residence address in any record of Department of Motor
9 Vehicles, confidentiality of, Section 6254.1, Government Code,
10 and Section 1808.21, Vehicle Code.

11 Residence and mailing addresses in records of Department of
12 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

13 Residential care facilities, confidentiality of resident information,
14 Section 1568.08, Health and Safety Code.

15 Residential care facilities for the elderly, confidentiality of client
16 information, Section 1569.315, Health and Safety Code.

17 Respiratory care practitioner, professional competency
18 examination reports, confidentiality of, Section 3756, Business
19 and Professions Code.

20 Restraint of trade, civil action by district attorney, confidential
21 memorandum, Section 16750, Business and Professions Code.

22 Reward by governor for information leading to arrest and
23 conviction, confidentiality of person supplying information, Section
24 1547, Penal Code.

25 Safe surrender site, confidentiality of information pertaining to
26 a parent or individual surrendering a child, Section 1255.7, Health
27 and Safety Code.

28 SEC. 3. Section 26306 of the Water Code is amended to read:
29 26306. The provisions of Sections 26304 and 26305 ~~do~~ *shall*
30 not apply in the following cases:

31 (a) Where the assessments for which the property was sold were
32 paid before the sale.

33 (b) Where the property was redeemed after the sale.

34 (c) Where the land was not subject to assessment at the time it
35 was assessed.

36 (d) Where no assessments were due on the land at the time of
37 the sale.

38 (e) Where fraud is established.

39 (f) Where the deed is void on its face.

1 (g) Where the owner of the land was, at the time of the sale, a
2 minor or ~~insane~~ *a person who lacked mental capacity*, in which
3 case the earliest time that the statute of limitations begins to run
4 is when the disability is removed.

5 (h) In ~~any~~ *an* action described in Section 26304 or 26305 based
6 on the alleged ineffectiveness of the collector's deed to convey
7 the title to minerals or to oil, gas or other hydrocarbon substances
8 which was held by one or more persons other than the owner of
9 the land on the date of the assessment for which the property was
10 sold.

11 SEC. 4. Section 4135 of the Welfare and Institutions Code is
12 amended to read:

13 4135. ~~Any person committed to the State Department of State~~
14 ~~Hospitals as a mentally abnormal sex offender shall remain a~~
15 ~~patient committed to the department for the period specified in the~~
16 ~~court order of commitment or until discharged by the medical~~
17 ~~director of the state hospital in which the person is a patient,~~
18 ~~whichever occurs first. The medical director may grant the patient~~
19 ~~a leave of absence upon the terms and conditions as the medical~~
20 ~~director deems proper. The petition for commitment of a person~~
21 ~~as a mentally abnormal sex offender, the reports, the court orders,~~
22 ~~and other court documents filed in the court in connection therewith~~
23 ~~shall not be open to inspection by any other than the parties to the~~
24 ~~proceeding, the attorneys for the party or parties, and the State~~
25 ~~Department of State Hospitals, except upon the written authority~~
26 ~~of a judge of the superior court of the county in which the~~
27 ~~proceedings were had.~~

28 Records of the supervision, care, and treatment given to ~~each~~ *a*
29 person committed to the State Department of State Hospitals as a
30 mentally abnormal sex offender shall not be open to the inspection
31 of any person not in the employ of the department or of the state
32 hospital, except that a judge of the superior court may by order
33 permit examination of those records.

34 ~~The charges for the care and treatment rendered to persons~~
35 ~~committed as mentally abnormal sex offenders shall be in~~
36 ~~accordance with the provisions of Article 4 (commencing with~~
37 ~~Section 7275) of Chapter 3 of Division 7.~~